

REMARKS

Claims 1-17 are all the claims pending in the application.

Claims 13-15 are allowed, and claims 2-5 and 8-11 contain allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With respect to the prior art rejections, Applicants thank the Examiner for withdrawing the previous prior art rejections. However, the Examiner applies new references as indicated in the current Office Action.

Claims 16 and 17 are rejected under 35 U.S.C. § 101 as allegedly being directed to unpatentable subject matter. Claims 1, 6, 7 and 16 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Borella et al. (U.S. Patent No. 7,218,609). Claim 12 is rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Okajima et al. (U.S. Patent Application Publication No. 2004/0114554). Finally, claim 12 is also rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Karagiannis et al. (U.S. Patent Application Publication No. 2003/0018810).

§ 101 Rejections – Claims 16 and 17

Claims 16 and 17 are rejected under 35 U.S.C. § 101 based on the reasons set forth on page 2 of the Office Action.

Statement of Substance of Interview

Applicants thank the Examiner for discussing the rejections under 35 U.S.C. § 101 with Applicants' representatives and for indicating that the rejections under 35 U.S.C. § 101 may be

withdrawn. Applicants submit that claims 16 and 17 satisfy the requirements under 35 U.S.C. § 101.

§ 102(e) Rejections (Borella) – Claims 1, 6, 7, and 16

Claims 1, 6, 7, and 16 are rejected over Borella based on the reasons set forth on pages 3-4 of the Office Action. Applicants traverse these rejections at least based on the following reasons.

Briefly, Borella is directed to a method and system of transferring data rate and state information of mobile nodes between access and home networks. A mobile node may register with a foreign agent on a foreign network, by sending mobile node information, such as a data rate at which the mobile node operates and a dormancy status of the mobile node, to a radio access network, which forwards the information to the foreign agent. The foreign agent may then contact a home agent on the mobile node's home network to setup a call. The foreign agent may send the mobile node information, such as the data rate or the dormancy state, to the home agent during call-setup or during the call as well. *See Abstract of Borella.*

With respect to claim 1, first, Applicants submit that the Examiner has not identified what component of Borella allegedly corresponds to the claimed apparatus of claim 1. The Examiner has only alleged that Borella discloses a “method and a system” (see page 3 of Office Action), but never identifies the component that he/she alleges corresponds to the claimed apparatus.

Further, with respect to claim 1, Applicants submit that Borella does not disclose or suggest at least, “a database, which stores information indicating whether the home agent operates normally according to the result of the analysis,” as recited in claim 1. The Examiner cites, in part, database 204 and col. 11, lines 12-24 of Borella as allegedly satisfying the above-

quoted feature of claim 1. According to Applicants' understanding, at col. 11, lines 12-24, Borella simply discusses that a mobile node can send information to an interface 104 with the intent that the interface 104 forward this information to a foreign agent 106 upon receipt of the information. Borella further discloses that the interface 104 may at any time send mobile node 102 information to the foreign agent 106 without being prompted by the mobile node 102. However, Borella does not disclose or suggest a database of a claimed apparatus storing information indicating whether a home agent operates normally according to the result of analysis of a packet analyzer.

Yet further, with respect to claim 1, the Examiner alleges that Borella satisfies the feature, "a home agent function executor, which performs a home agent function in place of the home agent when the home agent does not operate normally," as recited in claim 1. The Examiner specifically cites col. 5, lines 41-47 of Borella. The specific cited portion of Borella only discusses a home agent control node 116 which monitors multiple home agents. There is no teaching or suggest of an apparatus having a home agent function executor, which performs a home agent function in place of the home agent when the home agent does not operate normally.

At least based on the foregoing, Applicants submit that Borella does not anticipate claim 1. Applicants submit that dependent claim 6 is patentable at least by virtue of its dependency from independent claim 1.

Applicants maintain that independent claims 7 and 16 are patentable at least based on reasons similar to those set forth with respect to claim 1, as these claims recite features similar to those discussed above with respect to claim 1.

§ 102(e) Rejections (Okajima) – Claim 12

Claims 12 is rejected over Okajima based on the reasons set forth on page 4 of the Office Action. Applicants traverse this rejection at least based on the following reasons.

Applicants submit that Okajima does not disclose or suggest at least, “when a binding acknowledgement message for the binding update message is not received within a predetermined period of time, performing a home agent function in place of the home agent of the home network,” as recited in claim 12. The Examiner cites Fig. 23 and numbered paragraph 156 of Okajima as allegedly satisfying the above-quoted feature of claim 12. According to Applicants’ understanding of the cited portion of Okajima, this reference simply discloses that when a mobile host sends or receives no packet to or from a correspondent host for a predetermined period of time, the mobile host sends to the mobility agent a Binding Update packet including a binding between a home address and a care of address and indicating that the operating mode is the idle mode and that the buffering of packets is not necessary. That is, Okajima is only discussing actions of a mobile host when a packet is not received or sent for a predetermined period of time. There is no teaching or suggestion of performing a home agent function in place of the home agent of the home network when a binding acknowledgement message for the binding update message is not received within a predetermined period of time.

At least based on the foregoing, Applicants submit that Okajima does not anticipate claim 12.

§ 102(e) Rejections (Karagiannis) – Claim 12

Claims 12 is rejected over Karagiannis based on the reasons set forth on pages 4-5 of the Office Action. Applicants traverse this rejection at least based on the following reasons.

First, Applicants submit that numbered paragraph 156 of Karagiannis does not even relate to a binding acknowledgement message for a binding update message not being received within a predetermined period of time. The cited portion of Karagiannis only discusses a mobile node 100 switching its network connection to a new wireless sub-network.

Yet further, the cited portion of Karagiannis does not disclose or suggest performing a home agent function in place of a home agent of a home network.

At least based on the foregoing, Applicants submit that Karagiannis does not disclose or suggest at least, “when a binding acknowledgement message for the binding update message is not received within a predetermined period of time, performing a home agent function in place of the home agent of the home network,” as recited in claim 1, and thus does not anticipate claim 12.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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